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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,374	01/08/2002	Louis B. Rosenberg	IMM1P007D.US	7355

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EXAMINER

OSORIO, RICARDO

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,374

Applicant(s)

ROSENBERG ET AL.

Examiner

RICARDO L OSORIO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3262003, 10042004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 55-81 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 5,576,727. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 55-81 of the application are broader, but are all included in claims 1-50 of 5,576,727, including a user manipulable object, at least one sensor, a display, a force generator, and a stylus coupled to a mechanical. Omission of an element and its function in a combination is an obvious expedient if the remaining elements perform the same functions as before.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 55, 58-61, 69, and 79-81 are rejected under 35 U.S.C. 102(b) as being clearly by Noll (3,919,691).

Regarding claim 55, Noll teaches of receiving a locative signal associated with a position and an orientation of a user-manipulable object in a plurality of degrees of freedom (col. 3, lines 29-37); displaying an image in a graphical environment, the image correlated with the position and orientation of the user-manipulable object (col. 4, lines 17-38 and col. 8, lines 48-63); and outputting a feedback force in at least one of the plurality of degrees of freedom of the user-manipulable object, the feedback force responsive to the locative signal (col. 4, lines 10-18 and 53-57).

Regarding claim 58, Noll teaches of the image displayed in the graphical environment including a cursor, a motion of the cursor being correlated with the position and the orientation of the user-manipulable object (col. 4, lines 18-25, col. 6, lines 1-6 and 61-64).

Regarding claim 59, Noll teaches of using the feedback force to effect a motion of the user-manipulable object in the at least one of the plurality of degrees of freedom (col. 4, lines 10-18).

Regarding claim 60, Noll teaches of a user-manipulable object moveable in a plurality of degrees of freedom (col. 3, lines 40-45); at least one sensor coupled to the user-manipulable object, the at least one sensor being operative to provide a locative signal associated with a position and an orientation of the user manipulable object in the plurality of degrees of freedom (col. 3, line 64-col. 4, line 9, col. 6, lines 1-10 and 61-68, and col. 8, lines 48-63); and a force generator coupled to the user-manipulable object and configured to output a feedback force in at least one of the plurality of degrees of freedom of the user-manipulable object, the feedback force correlated with the locative signal (col. 4, lines 10-18 and 53-57).

Regarding claim 61, Noll teaches of the locative signal being configured to enable a display of an image in a graphical environment, the image is correlated with the position and the orientation of the user-manipulable object (col. 4, lines 17-38 and col. 8, lines 48-63).

Regarding claim 69, Noll teaches of a processor in communication with at least one sensor and the force generator, the processor operable to receive the locative signal from the at least one sensor and output a control signal to the force generator, the control signal causing the force generator to output the feedback force (col. 4, lines 10-23).

Regarding claim 79, Noll teaches of a processor-executable program, stored on a computer-readable medium comprising code to receive a locative signal associated with a position and an orientation of a user-manipulable object in a plurality of degrees of freedom (col. 3, lines 29-37 and col. 4, lines 18-27); code to display an image in a graphical environment, the image correlated with the position and the orientation of the user-manipulable object (col. 4, lines 17-38 and col. 8, lines 48-63); and code to output a feedback force in at least one of the plurality of degrees of freedom of the user-manipulable object, the feedback force responsive to the locative signal (col. 4, lines 10-18 and 53-57).

Regarding claim 80, Noll teaches of the image including a cursor displayed in the graphical environment, the processor-executable program further comprising code to correlate a motion of the cursor with the position and the orientation of the user-manipulable object (col. 4, lines 18-25, col. 6, lines 1-6 and 61-64).

Regarding claim 81, Noll teaches that the feedback force is associated with the at least one of the plurality of degrees of freedom of the user-manipulable object (col. 4, lines 10-18).

Allowable Subject Matter

4. Claims 56-57 and 62-68 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and claims 70-78 are objected as to being allowable upon receipt and acceptance of a Terminal Disclaimer.

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 56-57 and 62-68 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claims 56 and 62, “wherein the user-manipulable object includes a stylus coupled to a mechanical linkage, the mechanical linkage configured to enable the user-manipulable object to be movable in the plurality of degrees of freedom”. In claim 70, “the first end of the mechanical linkage being coupled to a stylus, the second end of the mechanical linkage being coupled to a support base, the mechanical linkage including a plurality of joints configured to allow the stylus to be manipulable in a plurality of degrees of freedom”.

The closest prior art, Noll (3,919,691) and Jacobus et al (5,389,865) disclose of a user manipulable object, however, either singularly or in combination, fail to anticipate or render the above underlined limitations obvious.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 703 305-2248. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 703 305-4938.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

703 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricardo L. Osorio

Examiner

Art Unit: 2673

RLO

March 4, 2005